

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Ray Edward Wells,)
)
Plaintiff,) C/A No. 2:13-3061-TMC
)
v.) **OPINION & ORDER**
)
SCDF Employees,)
Warden Larry W. Powers,)
Dr. Salvatore Bianco, and)
Medical Staff,)
)
Defendants.)

This matter is before the court pursuant to a "Motion for Reconsideration" (ECF No. 23) filed by Plaintiff requesting reconsideration of the Order of the court filed January 28, 2014 (ECF No. 20), which directed that this action be summarily dismissed without prejudice and without issuance and service of process.

Motions to reconsider are not expressly contemplated by the Federal Rules of Civil Procedure. However, the court will consider the motion as a Rule 59 Motion to Alter or Amend the Judgment. The Fourth Circuit has held that such a motion should be granted only for three reasons, to-wit: (1) to follow an intervening change in controlling law; (2) on account of new evidence; or (3) to correct a clear error of law or prevent manifest injustice. *Hutchinson v. Staton*, 994 F. 2d. 1076, 1081 (4th Cir. 1993); *Hill v. Braxton*, 277 F.3d 701 (4th Cir. 2002). Rule 59 motions may not be used to "relitigate old matters, or to raise arguments or present evidence that could have been raised prior to entry of judgment," *Wright, Miller & Kane Federal Practice and Procedure*, §2810.1 (2nd Ed.).

Plaintiff's Motion for Reconsideration does not assert any ground or reason which would justify a modification to the prior Order. Furthermore, the court is unable to discern any material fact or principal of law that was overlooked or disregarded in the Order filed January 28, 2014. Accordingly, Plaintiff's Motion for Reconsideration (ECF No. 23) is **DENIED**. Additionally, as this case is closed, Plaintiff's motion captioned as one to shorten time (ECF No. 24) is also **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
March 13, 2014